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STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF AIR AND WASTE MANAGEMENT  
715 GRANTHAM LANE  
NEW CASTLE, DELAWARE 19720-4801

WASTE MANAGEMENT SECTION

TELEPHONE: (302) 323-4540

March 12, 1993

Ms. Kate Lose (3HW42)  
U.S. EPA, Region III  
841 Chestnut Building  
Philadelphia, PA 19107

SUBJECT: Standard Chlorine Of Delaware, Inc. Superfund Site  
Delaware City, New Castle County, Delaware

Dear Ms. Lose:

The delay of four calendar days in submittal of the Standard Chlorine of Delaware, Inc. Superfund site draft Feasibility Study to the regulatory agencies represents a potential violation of the Consent Order entered into between the State of Delaware and Standard Chlorine of Delaware, Inc. on January 22, 1988 and amended on November 7, 1988. This potential violation could result in stipulated penalties of up to \$4,000 for these violations. However, if Standard Chlorine objects to this penalty assessment, the Consent Order apparently requires the Department to petition the Federal Court for a ruling on the violation and penalty.

Since EPA is experiencing delays in providing comments on the draft Feasibility Study to the Department (comments were originally to be provided on March 8, 1993, and will not be provided until March 15, 1993), comments to Standard Chlorine which are due on March 15, 1993, according to the Department approved schedule, will be delayed accordingly. This delay in providing the regulatory agencies' comments on the draft Feasibility Study to Standard Chlorine will significantly weaken the case for stipulated penalties against Standard Chlorine were the Department to so petition the Federal Court. Therefore, on the advice of counsel, the Department does not believe it worthwhile to pursue this \$4,000 stipulated penalty where the government's delay is longer than Standard Chlorine's.

Please provide the Department with EPA's position on this issue. The Department will wait to act on this matter until it receives a response from EPA. Thank you for your help with this issue.

If you have any questions, please contact me at (302) 323-4540.

Sincerely,

*Anne V. Hiller*  
Anne V. Hiller  
Environmental Scientist III  
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